



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: December 29, 2021
To: Interested Person
From: Tim Heron, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 21-099462 HR – NEW MECHANICAL UNIT AND LANDSCAPING

GENERAL INFORMATION

Applicant: Dave Salholm, Caitlin Alton, Pyramid Heating And Cooling
dsalholm@pyramidheating.com
9409 NE Colfax
Portland, OR 97220

Owner: Catherine Bredeson
2325 NE Flanders St #14
Portland, OR 97232

Site Address: SALERNO CONDOMINIUM, LOT 14
Legal Description: GENERAL COMMON ELEMENTS, SALERNO CONDOMINIUM; LOT 14, SALERNO CONDOMINIUM
Tax Account No.: R740700010, R740700420
State ID No.: 1N1E35DA 90000, 1N1E35DA 90003
Quarter Section: 3032
Neighborhood: Kerns, contact Jesse Lopez at yosoyjay@gmail.com
Business District: None
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010 x313
Other Designations: Historic Landmark – [The Salerno Apartments](#) were designed by Carl Linde, constructed in 1930, and listed on the National Register in 1991 for its Mediterranean style architecture.

Zoning: CM3d, Commercial Mixed Use 3 zone, Design overlay zone, Historic Resource Protection overlay zone

Case Type: HR, Historic Resource Review

Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant requests Historic Resource Review approval for installation of a new ground level HVAC mechanical unit and conduit lines for a second-floor unit at the Historic Salerno Apartments. The mechanical unit will be placed inside the fence and screened from the street with landscaping. The conduit lines will be encased in a shroud material, painted to match the exterior building color, and mimic the size and scale of a typical water downspout. In addition, one bush in front of the fence will be removed and replaced with a *Skimmia Japonica* bush, which can grow 3' to 4' tall and 4' to 5' wide and provide sight-obscuring screening of the new mechanical unit from the street.

Because the proposal is for exterior alterations to a National Register-listed resource, Historic Resource Review is required.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- 33.846.060 [Historic Resource Review] Approval Criteria

ANALYSIS

Site and Vicinity: The Salerno is designed in a style which its architect called "Italian". This choice was part of the great wave of popularity enjoyed by various Mediterranean styles for houses, apartments and even commercial buildings, prevalent in the 1920s. The Salerno includes all of the unusual exterior features: Stucco walls, tile roofs, projecting towers, arched openings, iron balconies and railings and tile paving. What makes the Salerno unique is the attractive way Linde employed this vocabulary.

The general concept of the building is of a large, almost totally enclosed, landscaped courtyard, around which are grouped 18 two story townhouses. The partial basement houses one apartment, originally for the manager, laundry, storage, steam heating plant, and twelve individual parking garages. The apartment entrances are paired, but separated for privacy, and the large garden in the court is laid out in three irregular shaped areas, surrounded by generously wide concrete walks. The plantings, now quite mature, are well cared for. The court is reached from Flanders Street by a series of easy steps and gently sloping ramps, which ascend to the level of the court a full story above the street, through a 30-foot-wide opening in the court enclosure.

The apartment block is 145 feet long on Flanders, and 105 feet wide on 24th Avenue. A narrow, five-foot-wide open space lies between the west wall and the property line, and a ten-foot-wide open space is preserved between the north wall and the property line for light and air. At the corners of the court entrance are two octagonal towers which corbel out from the walls above the basement level and extend above the roof. There are two ironwork balconies at the upper floor on Flanders Street, and one larger balcony on 24th Avenue.

Within the court, there is a two-story gabled projecting wing at each end. At each of the four corners is a one story porch with arched openings and battlement like roof projections, each of which covers the entrances to two apartments. Along the two long sides of the court are four one-story, gabled porches, with arched openings, which provide access to two apartments each. At the center of the north wall of the court, a three-story tower projects above the main roof, with louvered, arched openings in its attic, simulating a bell tower. At court level, a pair of arched openings in the tower give access to two apartments, and at either side of the tower, open stairs descend to the laundry and other basement areas. The porches have tile floors of a pleasant orange color. Picturesque lanterns on iron standards light the court.

The windows throughout are steel sash with casement ventilators. The glass areas are broken up into small lights with steel muntins. The windows vary in size, from very small windows in closets to six-foot-long windows in some living rooms. There are seven or eight

different sizes used. Entrance doors to the apartment are 3 foot 6 inches wide, with vertical V grooves, simulating plank construction, and stained dark. Each door has a small leaded glass window.

Linde's skilled combination of all of these elements of the exterior achieves the pleasant effect of a quiet street in an old Mediterranean town, and successfully disguises the overall size of what is really a single large building.

Zoning: The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. The Design overlay zone is applied to this zone

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

Land Use History: City records indicate no prior land use reviews.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on November 16, 2021.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 16, 2021. No written responses have been received.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is a designated Historic Landmark outside the Central City Plan District and not within in a Historic or Conservation District, and the proposal is for non-exempt treatments. Therefore, the proposal requires Historic Resource Review approval. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

Staff has considered all of the approval criteria and addressed only those applicable to this proposal.

33.846.060 G - Other Approval Criteria

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

Findings for 1, 2, 3, 4, 5, 7, and 9: The proposed covered conduit lines and landscape screened mechanical unit will not detract from the historic character of the landmark property, and no original historic features are being altered. The visual impact of the conduit lines, which will be screened with downspout sized sheathing painted to match the building wall, will be negligible and no conjectural features or architectural elements from other buildings that create a false sense of historical development are to be added. The separate mechanical unit [36" wide x 36" tall x 13" deep] is located 12'6" from the front property line, screened by new landscaping and an existing fence, limits its visibility from the street and adjacent properties.

The historic property shall remain a physical record of its time, place and use and the project will not alter any changes made over time that have acquired historic significance.

The new mechanical unit and "downspout" sheathing of the conduit lines painted to match the exterior building wall will be differentiated from the existing building elements. The integrity of the structure and resource will be preserved with the proposed alterations. If the mechanical unit and conduit lines "downspout" sheathing were to be removed in the future, the form and integrity of the building would remain intact.

The project does not involve any demolition, so all elements of historic character and significance shall be preserved, and all historic materials of the property will be fully protected as part of this project. There will not be any chemical or physical treatments involved in the implementation of this project.

These criteria are met.

- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 8 and 10: The design and layout for the proposed “downspout” conduit sheathing is compatible with existing vertical downspouts that are also painted to match the Historic Salerno Apartments. The new mechanical unit, setback 12’6” from the front property line and screened with new landscaping and existing fencing, will not adversely impact the character defining features of the property. The proposed mechanical equipment location and painted to match conduit screening will limit visibility from the street and adjacent properties, thus maintaining compatibility with the surrounding area. In addition, the property is not located within a Historic or Conservation District.

These criteria are met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. The proposed alterations will be compatible with the massing, size, scale, and architectural features of the Historic Salerno Apartments. The proposed location of the mechanical unit and painted to match conduit shroud will limit visibility from the street and adjacent properties. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

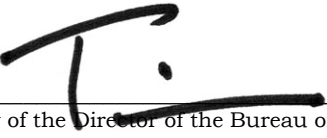
ADMINISTRATIVE DECISION

Approval of a new ground level HVAC mechanical unit [36” wide x 26” tall x 13” deep] and shrouded conduit lines painted to match the building exterior for a second-floor unit at the Historic Salerno Apartments.

Approval per the approved Exhibits C-1 through C-5, signed and dated December 20, 2021, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 21-099462 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Tim Heron

Decision rendered by:  **on December 27, 2021**
By authority of the Director of the Bureau of Development Services

Decision mailed December 29, 2021

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on October 25, 2021, and was determined to be complete on **November 10, 2021**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on October 25, 2021.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. (Unless further extended by the applicant, **the 120 days will expire on: March 10, 2022**.)

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **December 29, 2021** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Submittal
 2. Revised Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Enlarged Site Plan (attached)
 3. Elevation/ Photo (attached)
 4. Mechanical specifications 1
 5. Mechanical specifications 2
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No responses were received.
- G. Other:
 1. Original LU Application

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).